



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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November 2, 2021

VIA ECF

Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Primyah Godial Miaa Paynes El Bey v. Crocillo, et al.,
20 Civ. 524 (MKV)

Your Honor:

I am the attorney assigned to represent defendant the City of New York (the “City”) in the above-referenced matter. The City writes to respectfully seek clarification from the Court as to its expectations regarding the filing of the City’s motion to dismiss the Second Amended Complaint (“SAC”), and to respectfully request that the Court set a briefing schedule on the City’s motion.

By way of background, on August 19, 2021, Your Honor granted plaintiff’s request to file the SAC, and instructed the undersigned that, if the SAC named the City of New York as a defendant, the Court would waive its pre-motion conference requirement and that the City should instead seek leave to file its anticipated motion to dismiss the SAC and propose a briefing schedule. On September 9, 2021, plaintiff filed the SAC, which names the City as a defendant. (ECF No. 38). Thereafter, on September 22, 2021, the City wrote to the Court seeking leave to file its motion to dismiss the SAC, and requesting that the Court endorse a proposed briefing schedule on its forthcoming motion. (ECF No. 39). The City’s proposed briefing schedule contemplated that the City’s motion would be filed on November 1, 2021. (See id.). To date, the Court has not ruled on the City’s proposed briefing schedule.

Accordingly, the City writes herein to request clarification from the Court as to its expectations regarding the City’s motion to dismiss the SAC. Anticipating that the Court would adopt the City’s proposed briefing schedule, the undersigned drafted the City’s moving papers, and is therefore prepared to file the City’s motion in short order.

The City of New York thanks the Court for its time and attention to this matter.

Respectfully submitted,

Andrew B. Spears /s

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CC: VIA EMAIL
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